

6.00 DEFINITIONS

6.01 Definitions and Glossary

6.01.1 Intent. For the purposes of these Regulations certain words and terms used herein as defined. All words used in these Regulations shall be first defined as provided herein, and, if not defined herein, shall be defined in the Gallatin County Growth Policy and, if not defined therein, shall have their customary dictionary definitions.

6.01.2 The Rules of Interpretation. The following rules of interpretation and definitions apply to the definitions for the Reese Creek Zoning District. The Rules of Interpretation include: (1) the present tense includes the future tense; and (2) all words in the plural number include the singular number unless the natural construction of the wording indicates otherwise; and (3) the word *shall* is always mandatory; and (4) the word *person* includes a firm, association, organization, partnership, trust, company or corporation as well as individual or individuals; and (5) the word *used* as applied to any land or structures, shall be construed to include the words *intended, arranged, or designed to be used, or occupied*.

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Accessory Use. A subordinate use of land which is customarily incidental to the principal use of the land.

Acre. A measure of land area containing 43,560 square feet.

Agriculture. The use of the land for grazing and cropping to produce food, feed, and fiber commodities. Examples may include: cultivation and tillage of the soil; dairying and animal husbandry; growing and harvesting of agricultural and horticultural commodities; and the raising of livestock, bees or poultry. Not including any agriculture industry or business such as game farms, fur farms, animal hospitals, commercial dog kennels, horse stables, riding arenas, and animal feeding operations or similar uses.

Agricultural Water User Facility. Facilities which include but are not limited to ditches, pipes, and other water conveying facilities, which provide water for irrigation and stock watering on agricultural lands.

Agricultural Lands. Bona fide agricultural lands are those classified and assessed at a value that is exclusive of values attributed to urban influences or speculative purposes, MCA §15-7-201; and is land that is not devoted to a residential, commercial, or industrial use, MCA §15-7-202.

Agricultural Structures, Exempt. All agricultural structures used exclusively for agricultural purposes on qualified agricultural lands.

Aliquot. An equal division of a government section in quarters as described by the *Manual for Survey of the Public Lands of the United States*.

Alteration. Change or rearrangement of the structural parts of existing facilities, or enlargement by extending the sides or increasing height or depth, or moving from one location to another.

Apartment. A habitable room or suite of two or more habitable rooms meeting the requirements of the International Building Code, located in an apartment building or used for residential purposes. Efficiency units and studios qualify as an apartment.

Approved Subdivision. A subdivision of land, which has received approval from MDEQ and has a Release of Sanitary Restriction (RSR) or Certificate of Subdivision Approval Statement filed in the Covenants and Restriction.

Artist Studio, Individual. The use of premises by an artist, artisan, craftsperson engaged in the application, teaching, or performance of fine arts such as but not limited to dance, vocal or instrumental music, creative writing, painting, drawing, pottery, sculpture, video, still photography, foundry, welding, etc., including the sale of art produced on the premises.

Automobile Gas Station. Any building, structure, or area of land used for retail sale of automobile fuels, oils, and accessories. May include sale of propane or kerosene as accessory uses.

Automobile Repair, Minor. As a home-based business for the replacement of any part or repair of any vehicle; incidental body and fender work, minor painting and upholstery service to motorcycles, snowmobiles, and passenger automobiles and trucks not in excess of 7000 pounds gross weight.

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Base Flood. A flood having a one percent chance of being equaled or exceeded in any given year. A base flood is the same as a 100-year flood.

Base Flood Elevation. The elevation above sea level of the base flood in relation to National Geodetic Vertical Datum of 1929 unless otherwise specified in the flood hazard study.

Basement. A portion of a structure located partially underground and having more than half its floor-to-ceiling height below the average grade of the adjoining ground.

Bed and Breakfast Inn. A dwelling unit serving guests on a nightly basis, used as the primary residence of the owner; and serving meals to overnight guests only.

Bedroom. Any room used for sleeping, with a closet, a door and an ingress/ egress window in conformance with the International Building Code (IBC). An unfinished basement shall be considered as an additional bedroom.

Berm. A mound of earth used to shield, screen, and buffer undesirable views and to separate incompatible land uses.

Board of Adjustment. A five-member board appointed by the County Commission to hear and decide variances and to hear administrative decision appeals within a zoning district created pursuant to MCA §76-3-201.

Building Envelope. The three-dimensional volume on a lot lying between the front, side and rear yard setback lines and between ground level and the maximum allowable building height, constitutes the area available for potential building construction.

Building Height. The vertical distance measured from the lowest point of elevation of the finished surface of the ground (including window wells, stairwells, or other similar features; excluding features such as usable patio areas) to the highest point on the roof or parapet wall. Where a building utilizes multiple roof styles or pitches, the highest point of each type of roof or parapet wall shall be in conformance with applicable height regulations as established for the respective roof pitches in each zoning district. Where the vertical difference between grade as defined in this section is greater than two feet between opposite elevations of the building, the height of the building may be increased by one foot for every one foot in grade difference up to a maximum of six additional feet.

Business or Commerce. Engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; the maintenance or operation of offices or recreational or amusement enterprises.

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Caretaker. A person who is employed (compensation may be in the form of free housing) to watch over and perform routine maintenance of a ranch, home, or business.

Caretaker's Residence. Dwelling unit for the family of a person who takes care of the property of an owner who may be absent. Caretaker residences may be located within a single-family dwelling unit, above a garage, within or above an accessory building, or as a separate living unit on a parcel with an existing dwelling unit.

Campground. Land which is used or intended to be used, let, or rented for temporary occupancy by campers traveling by automobile or otherwise, or for occupancy by tents or similar quarters.

Certificate of Occupancy (C of O). A document issued by the Zoning Enforcement Agent allowing the occupancy or use of a building in compliance with all applicable zoning regulations.

Certificate of Survey (COS). A drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

Certificate of Occupancy. A certificate issued by the Zoning Enforcement Agent, which certifies that a structure is in accordance with the applicable zoning regulations and permits occupancy.

Church. *See* Worship.

Cluster Development. A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open spaces and/or preservation of environmentally sensitive features.

Code Compliance Specialist. The duly authorized agent appointed by the County Commission, pursuant to MCA §7-2-210, who in conjunction with the Zoning Enforcement Agent ensures compliance with the provisions of these Regulations.

Commission, Gallatin County. The elected Board of County Commissioners for Gallatin County, Montana and the governing body of Gallatin County planning and zoning.

Community Character. The image of a community or area as defined by such factors as its built environment, natural features, open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services.

Compatible Land Uses. The characteristics of different uses, activities or by design which allow them to be located or adjacent to each other in harmony and without conflict. Compatibility allows development that maintains the character of existing development or land uses.

Comprehensive Plan. A general plan which includes any document or portion of any document duly adopted by the governing body which is intended to guide growth and development in an area. The terms general plan, master plan, and comprehensive plan are interchangeable. (See Gallatin County Growth Policy).

Conditional Use. A use which is allowed conditionally within a district granted it meets specified design standards and certain criteria.

Conforming Use. Any use allowed by the regulations as a permitted use or conditional use.

Conservation Easement. Property owner's voluntary conveyance of a property right or partial legal interest in land to a unit of government or qualified private organization stipulating that the described land shall remain in perpetuity, or for a minimum 15-year term (MCA §76-6-202), in its natural and open state, precluding future or additional development subject to the terms of the agreement.

Convenience Store. Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood. May include the sale of fuel and gasoline.

Corral. A pen or enclosure for confining or capturing livestock.

Covenant. A recorded agreement stating certain activities and/ or practices that are required or prohibited. Subdivision covenants are not enforced by the Gallatin County Planning department.

Cut and Fill. The excavating of material in one place and depositing of it as fill in an adjacent place.

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Day Care Center. A place in which supplemental care is provided for 13 or more nonresident persons on a regular basis and which is licensed by the State of Montana.

Day Care Home, Family. A private residence in which supplemental care is provided to three to six nonresident persons (child or adult) from separate families on a regular basis and which is registered by the State of Montana.

Dedication. The deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the use to which the property has been devoted.

Deed. A legal document conveying ownership of real property.

Defensible Space. A designated area around a home or other structure the size of which is dependent on the vegetation, proximity of tree crowns, slope and distance to adjacent buildings. Within this area all weeds, dry grass, slash, flammable debris

and flammable fuel is removed. This managed buffer surrounding buildings and structures, is designed to reduce the chances of a fire spreading to or from the buildings or structures.

Density. The amount of residential development permitted on a given parcel of land.

Density, Base. The maximum number of dwelling units permitted outright by a particular land-use classification.

Density, Bonus. The granting of the allowance of additional density in a development in exchange for the provision by the developer of other desirable amenities from a public perspective such as open space.

Density, Gross. A calculation that divides the total residential units by the total area to be developed, excluding nothing.

Density, Net. A calculation that divides the total residential units by the total residential area to be developed (which is the total area to be developed excluding certain areas such as roads, easements, water area, lands with environmental constraints, and other uses).

Developer. Any person, firm, or corporation, or any other entity involved in the physical development of any land.

Development. Any manmade change to improve or alter real estate, including but not limited to subdivision of land, buildings, or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Development Regulation. Any zoning, subdivision, site plan, official map, floodplain regulation, or other government regulation that affects the use and intensity of land development.

Development Right. The right to develop property in accordance with applicable regulations.

District. A part, zone, or geographical area within the county within which certain zoning or development regulations apply.

District, Neighborhood Business. A small commercial area within a zoning district that provides limited retail goods and services for the nearby residential customers.

Division of Land. The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or property by filing a certificate of survey or

subdivision plat establishing the identity of the segregated parcels pursuant to MCA §76-3-101. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

Drainage. A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping.

Drainage System. The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature, and the manufactured elements which includes culverts, ditches, channels, retention facilities, and the stormwater sewer system.

Dwelling. A structure or portion thereof providing permanent cooking, eating, sleeping and living facilities exclusively for human habitation.

Dwelling, Accessory. A dwelling, subordinate to the principal dwelling, and which may be attached or detached from the principal dwelling, that provides separate and a complete living facilities which may further defined as a caretaker's residence, agricultural employee housing, guest house, or efficiency apartment.

Dwelling, Attached. A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Detached. A dwelling that is not attached to any other dwelling by any means.

Dwelling, Multi-Family. A structure or portion thereof used for occupancy by two or more families living independently of each other in two or more dwelling units.

Dwelling, Single-Family. A residential building or portion thereof intended for occupancy by one or more persons with complete, permanent and independent living facilities for living, sleeping, cooking, and eating; may be referred to as the principal dwelling.

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Easement. A grant of one or more of the property rights by the property owner to and/ or for use by the public, a corporation, or other person or entity.

Egress. An exit.

Elevation. (1) A vertical distance above or below a fixed reference level; (2) a fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

Employee Housing. (1) An accessory dwelling subordinate to the principal dwelling, restricted by covenant for use by persons and their families employed onsite for full-time agricultural employment; (2) A designated use to house employees within the zoning district where the unit is located.

Encroachment. Any obstruction or illegal or unauthorized intrusion in a delineated floodplain, floodway, right-of-way, or on adjacent land.

Enlargement. An increase in the size of an existing structure or use, including physical size of the property, structure, parking, and other improvements.

Environmental Assessment. A statement of the effect of proposed development, and other major private or governmental actions, on the environment.

Equestrian Facility, Commercial: Commercial facilities that may include barns, stables, arenas, corrals, and paddocks for equine (horse, donkey, and mule) operations including: horse ranches, boarding stables, riding schools, equine exhibition facilities and arenas accessory to the facility uses.

Equestrian Facility, Personal: The use of structures and/ or land to keep equine (horse, donkey, and mule) primarily for breeding and boarding and which operation is an incidental use of the land and/ or structures. Does not include riding arenas where events open to the public are staged.

Erosion. The process by which the soil and rock components of the earth's crust are worn away and removed from one place to another by natural forces such as water, wind, ice and gravity.

Essential Services (Type I). Water pumping stations; stormwater drainage facilities (including collection lines, retention/ detention ponds and drainage ways); sanitary sewer and stormwater sewer lift stations; public domestic water storage facilities; water fill stations for fire fighting equipment; local service telephone lines and cables; local electrical distribution lines and cables; local service cable television lines; local service electronic data transmission lines and cables; water and sanitary sewer distribution and collection lines; public and amateur radio antennae and towers.

Essential Services (Type II). Pipelines to transport gas, oil and coal (interstate and intrastate); electric substations; electrical transmission lines (interstate and intrastate); public facilities (electric and gas); public treatment facilities (water, sanitary sewer and stormwater sewer); telephone satellite community dial offices; telephone exchanges and repeater stations, except those facilities which may be considered wireless facilities; other accessory facilities, equipment and structures; and police and fire stations.

Excavation, Personal. The process of altering natural (grade) elevation by any activity by which natural materials are cut, dug, quarried, uncovered, or relocated for personal use on site. Does not include ordinary gardening, ground care, or agricultural purposes.

Existing Use. The use of a lot or structure at the time of the adoption of a zoning regulation.